THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.19359 AND 20636 OF 1996

DATED:23-06-2006

WRIT PETITION No.19359 OF 1996

BETWEEN

S.Umakanthamma.

… Petitioner

and

The Mandal Revenue Officer, Tirupathi Rural Mandal, Chittoor District, and another.

… Respondents

WRIT PETITION No.20636 OF 1996

BETWEEN

S.Umakanthamma.

… Petitioner

and

The Mandal Revenue Officer, Tirupathi Rural Mandal, Chittoor District, and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.19359 AND 20636 OF 1996

COMMON ORDER:

The same petitioner filed both these writ petitions. The petitioner's husband inherited certain properties in 1960 and in the year 1975 he purchased land admeasuring Acs.1.47 cents in survey Nos.226/1B, 226/2A, 209/2A, 227/2, 209/3A, 208/1A and 203/1 and 203/2 of

Thanapalli village of Tirupathi Rural Mandal in Chittoor District. He alleges that subsequently Government of Andhra Pradesh acquired an extent of Acs.2.00 of land also in Survey Nos.203, 209 and 218 of Tanapalli village for providing house sites to members belonging to Scheduled Castes and according to the petitioner only an extent of Acs.0.29 in survey No.209/3A was acquired and no other land of the petitioner was acquired. It is categorically asserted that the land in survey No.226 and part of the land in survey Nos.203, 204 and 215 alone was acquired. However, a week prior to filing of the writ petition, Mandal Surveyor came to the land and measured the land with a view to take possession of the petitioner's land, which was not acquired. Therefore, the present writ petition is filed for a writ of Mandamus declaring the action of the respondents in taking steps to take possession of the land and for a consequential direction not to interfere with the petitioner's possession of Acs.2.60 ½ in Tanapalli village, Tirupati Rural Mandal, Chittoor District, without due process of law.

Counter affidavit is filed *inter alia* stating as under.

> In reply to the allegations in paras 2 and 3, it is submitted that the SCs of Tanapalle village have represented to the then Mandal Revenue Officer that some portion of the acquired land is still under the possession and enjoyment of the writ petitioner though the writ petitioner's family members have received compensation and therefore requested to conduct the survey of the acquired land and to grant house sites to the rest of the SCs who are house less and accordingly to redress the grievance of the agitated S.Cs, basing on the entries made in the 'A' Register which is the basic village accounts, the Mandal Surveyor had inspected the land in question in pursuance of the instructions of the Mandal Revenue Officer and noticed during survey, some piece of vacant acquired land in S.No.203-1 Ext., 0.50 cents and 218-1B Ext.0.41 cents of Tanapalle village under the possession and enjoyment of the writ petition who is also the adjacent pattadar. The writ petition apprehending the further course of action, without approaching the Revenue authorities for the settlement of the issue, approached the Hon'ble High Court and filed W.P.No.19359/96 by misrepresenting the facts to the Hon'ble High Court and sought for direction to the Respondents not to dispossess the writ petitioner. Against the same writ petitioner has filed another writ petition No.20636/96 on 13.9.96 seeking directions to the respondents not to dispossess the writ petitioner in respect of these lands also in S.No.218-1A, 1B and 218-2B on the ground that she failed to add these S.Nos. in earlier W.P.No.19359/96 by mistake.

No reply affidavit is filed denying the counter averments. It shows that the writ petition is filed on mere apprehension. Ordinarily, writ petition filed on mere apprehension cannot be entertained. Noticing the averments in the counter affidavit, the writ petition No.19359 of 1996 is

dismissed. Insofar as the writ petition No.20636 of 1996 is concerned, the same is filed while the wit petition No.19359 of 1996 is still pending for almost similar relief. Therefore, no orders need be passed in the said writ petition and the same is also dismissed observing that if there is any grievance, the petitioner may approach the Mandal Revenue Officer, Tirupathi Rural Mandal.

Both the writ petitions are accordingly dismissed. No costs.

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(V.V.S.RAO,J)

23.06.2006
pln